

SENATE BILL No. 120

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-2-7.

Synopsis: Sunday sales for microbreweries. Allows a microbrewery to sell the brewery's beer for carryout on Sunday.

Effective: July 1, 2010.

Alting

January 5, 2010, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 120

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-2-7, AS AMENDED BY P.L.94-2008,
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 7. The holder of a brewer's permit or an
4 out-of-state brewer holding either a primary source of supply permit or
5 an out-of-state brewer's permit may do the following:

- 6 (1) Manufacture beer.
- 7 (2) Place beer in containers or bottles.
- 8 (3) Transport beer.
- 9 (4) Sell and deliver beer to a person holding a beer wholesaler's
10 permit issued under IC 7.1-3-3.
- 11 (5) If the brewer's brewery manufactures not more than twenty
12 thousand (20,000) barrels of beer in a calendar year, do the
13 following:
 - 14 (A) Sell and deliver beer to a person holding a retailer or a
15 dealer permit under this title.
 - 16 (B) Be the proprietor of a restaurant.
 - 17 (C) Hold a beer retailer's permit, a wine retailer's permit, or a



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- 1 liquor retailer's permit for a restaurant established under clause
 2 (B).
 3 (D) Transfer beer directly from the brewery to the restaurant
 4 by means of:
 5 (i) bulk containers; or
 6 (ii) a continuous flow system.
 7 (E) Install a window between the brewery and an adjacent
 8 restaurant that allows the public and the permittee to view both
 9 premises.
 10 (F) Install a doorway or other opening between the brewery
 11 and an adjacent restaurant that provides the public and the
 12 permittee with access to both premises.
 13 (G) Sell the brewery's beer by the glass for consumption on the
 14 premises. Brewers permitted to sell beer by the glass under
 15 this clause must furnish the minimum food requirements
 16 prescribed by the commission.
 17 (H) Sell and deliver beer to a consumer at the permit premises
 18 of the brewer or at the residence of the consumer. The delivery
 19 to a consumer may be made only in a quantity at any one (1)
 20 time of not more than one-half (1/2) barrel, but the beer may
 21 be contained in bottles or other permissible containers.
 22 **(I) Sell the brewery's beer as authorized by this section for**
 23 **carryout on Sunday in a quantity at any one (1) time of not**
 24 **more than one-quarter (1/4) barrel, but the beer may be**
 25 **contained in bottles or other permissible containers.**
 26 (6) If the brewer's brewery manufactures more than twenty
 27 thousand (20,000) barrels of beer in a calendar year, own a
 28 portion of the corporate stock of another brewery that:
 29 (A) is located in the same county as the brewer's brewery;
 30 (B) manufactures less than twenty thousand (20,000) barrels
 31 of beer in a calendar year; and
 32 (C) is the proprietor of a restaurant that operates under
 33 subdivision (5).
 34 (7) Provide complimentary samples of beer that are:
 35 (A) produced by the brewer; and
 36 (B) offered to consumers for consumption on the brewer's
 37 premises.
 38 (8) Own a portion of the corporate stock of a sports corporation
 39 that:
 40 (A) manages a minor league baseball stadium located in the
 41 same county as the brewer's brewery; and
 42 (B) holds a beer retailer's permit, a wine retailer's permit, or a

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- 1 liquor retailer's permit for a restaurant located in that stadium.
2 (9) For beer described in IC 7.1-1-2-3(a)(4):
3 (A) may allow transportation to and consumption of the beer
4 on the licensed premises; and
5 (B) may not sell, offer to sell, or allow sale of the beer on the
6 licensed premises.

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